

MINUTES

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY COUNCIL CHAMBERS, 736 RICHLAND AVENUE, AIKEN, S. C.

REGULAR MEETING - DECEMBER 16, 2003 – 7:00 PM

(A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order at 7:10 pm.

Council Members present:

Chairman Ronnie Young
Kathy Rawls
Scott Singer
LaWana McKenzie
Chuck Smith
Eddie Butler
Charles Barton
Rick Osbon
Willar H. Hightower, Jr.

Also present:

J. Clay Killian, County Administrator
Robert M. Bell, County Attorney
Joan Donnelly, Assistant County Administrator

(B) INVOCATION

Councilman Hightower led in the invocation.

(C) PLEDGE OF ALLEGIANCE

Councilman Osbon led in the Pledge of Allegiance.

(D) APPROVAL OF MINUTES

1. November 18, 2003 Worksession
2. November 18, 2003 Regular Meeting
3. December 2, 2003 Special Meeting

Councilman Smith moved for the adoption. Councilwoman McKenzie seconded.
Passed by unanimous vote with Councilwoman Rawls abstained.

(E) APPROVAL OF AGENDA

Councilwoman Rawls made a motion to make changes to the agenda:

- a. Delete Old Business #6 and Consent #3

Councilwoman Rawls made the motion for adoption. Councilwoman McKenzie seconded.
Passed by unanimous vote.

(F) PUBLIC HEARINGS

1. Proposed Ordinance to Amend Section 4-51 of the Aiken County Code of Ordinances Defining the Makeup of the Animal Control Advisory Committee.

No comments

2. Proposed Ordinance to Authorize an Increase in Certain Recreation Fees.

No comments

3. Proposed Ordinance to Amend the Aiken County Code of Ordinances to Adopt Standards and Provide Preservation Tax Incentives for the Restoration or Rehabilitation of Certain Historic Properties, and Low and Moderate Income Rental Properties in Aiken County.

No comments

(G) OLD BUSINESS

1. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 00-108-0-01-048 Located Off Old E. Pine Log Road in Council District 8 from RD to UD.
(Hightower) (Third Reading)

Councilwoman Rawls made the motion for adoption. Councilman Hightower seconded.
Passed by unanimous vote.

2. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 00-163-0-01-155 Located at 2015 Gray Mare Hollow Road (S-2-146) in Council District 2 from RC to RD.
(Singer) (Third Reading)

Councilman Butler made the motion for adoption. Councilman Singer seconded.
Passed by unanimous vote.

3. Proposed Ordinance to Provide for the Adoption of an Annual Operating Budget for the Mattie C. Hall Health Care Center for the Fiscal Year Beginning January 1, 2004 Through December 31, 2004, and to Provide for Related Matters Thereto.
(Administrative Committee) (Third Reading)

Councilman Barton made the motion for adoption. Councilman Osbon seconded.
Councilman Butler clarified that this budget would include revised fees.
Passed by unanimous vote.

4. Proposed Ordinance to Amend Chapter 5, Building Regulations of the Aiken County Code of Ordinances.
(Development Committee) (Third Reading)

Councilman Osbon made the motion for adoption. Councilman Smith seconded.
Passed by unanimous vote.

5. Proposed Ordinance Authorizing the Amendment of that Certain Grant Award Agreement Between Aiken County, South Carolina and the South Carolina Department of Commerce, Dated January 10, 2002 and Accepted February 5, 2002; the Execution, Delivery and Performance by Aiken County of a Fiber Construction Agreement, a Management Agreement, a Co-Location Site Agreement and a License Agreement Between Aiken County and SCANA Communications, Inc; and Certain Other Agreements and Matters Related Thereto.
(County Council) (Third Reading)

Councilman Hightower made the motion for adoption. Councilwoman Rawls seconded.
Passed by unanimous vote.

6. Proposed Resolution to Create a Capital Projects Sales Tax Commission Pursuant to the Capital Project Sales Tax Act of South Carolina.
(County Council)

Deleted

7. Removal from the Table a Request for Approval of a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 00-123-0-01-060 Located at 597 Johnston Hwy (SC 191) in Council District 6 from RUD to IND:

- A. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 00-123-0-01-060 Located at 597 Johnston Hwy (SC 191) in Council District 6 from RUD to IND.
(Barton) (First Reading)

or

- B. Proposed Resolution to Disapprove a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 00-123-0-01-060 Located at 597 Johnston Hwy (SC 191) in Council District 6 from RUD to IND.
(Barton)

- a. Councilman Smith made the motion to remove from the table. Councilman Butler seconded.
Passed by 6 - 3 vote to remove from the table with Councilmembers Smith, Butler, and Chairman opposed.
- b. Councilman Barton moved for the adoption of A. Councilwoman Rawls seconded.
- c. Greg Szymik, Development Official with Planning & Development, responded to questions asked by Councilmembers concerning spot zoning and water impacts at last meeting.
- d. Defeated by 7 – 2 vote with Councilmembers Rawls and Barton voting to approve the rezoning.

(H) CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

I. REGULAR CONSENT AGENDA

1. Proposed Resolution to Appoint One Member to Designated Boards, Commissions and Committees with Terms of the Appointees to Run Concurrent with that of the Councilmember from Districts 1, 2, 3, 4, 5, and 6.
(Rawls, Singer, McKenzie, Smith, Butler, Barton)

2. Proposed Resolution to Appoint Three Members to the Lower Savannah Workplace Development Board.
(Development Committee)
3. Proposed Resolution to Appoint One Member to the Aiken County Mobile Home Appeals Board.
(Development Committee)

Deleted
4. Proposed Resolution to Approve the Allocation of Funds for Various Non Profit Agencies from the FY 2004 Council Contingency Fund.
(County Council)
5. Proposed Resolution to Authorize the Submittal of Grant Applications for FY 05 for State Mass Transit Funds and Federal Transit Administration Grants 5303 and 5307 for the Administration, Operation, Planning, and Capital Costs of the Aiken County Transit System Consisting of the Best Friend Express Fixed Route Service and Best Friend Dial-A-Ride Paratransit Service, Operated in Portions of Aiken County, South Carolina.
(Administrative Committee)
6. Proposed Resolution to Assign the Official Road Names to Existing Un-Named Private Roads in County Council District 1.
(Rawls)
7. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Plowden Construction Company, Inc. for the Bethcar Church Road Paving.
(Development Committee)
8. Proposed Resolution to Accept a 30 Foot Right-of-Way Easement for the Realignment of the Roadway and Construction of the Quail Run Road Safety Project on Quail Run Road (C-771).
(Development Committee)
9. Proposed Resolution to Authorize the County Administrator to Dispose of Surplus Property.
(Development Committee)
10. Proposed Resolution to Authorize the Council Chairman to Execute a Contract With the Town of Monetta for Cable Administration.
(Development Committee)
11. Proposed Resolution to Authorize the Sheriff's Office to Utilize Funding Approved in the 2003 LLEBG Grant in FY 2004.
(Judicial and Public Safety Committee)
12. Proposed Resolution to Authorize the County Administrator to Accept a Grant from the State of South Carolina, Department of Public Safety for a Juvenile Services Investigator.
(Judicial and Public Safety Committee)
13. Proposed Resolution to Authorize the Sheriff's Office to Submit a Grant Application to the South Carolina Department of Public Safety Office of Justice Programs for a Domestic Violence Investigation and Prosecution Initiative.
(Judicial and Public Safety Committee)

14. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with G & K Services for EMS Uniforms.
(Judicial and Public Safety Committee)

Councilwoman McKenzie made a motion to Table. Councilman Singer made suggestion to move to New Business #2. Councilman Osbon made motion to move to New Business #2. Councilman Butler seconded.

15. Proposed Ordinance to Amend Section 4-51 of the Aiken County Code of Ordinances Defining the Makeup of the Animal Control Advisory Committee.
(Administrative Committee) (Second Reading)
16. Proposed Ordinance to Authorize an Increase in Certain Recreation Fees.
(Development Committee) (Second Reading)
17. Proposed Ordinance to Amend the Aiken County Code of Ordinances to Adopt Standards and Provide Preservation Tax Incentives for the Restoration or Rehabilitation of Certain Historic Properties in Aiken County.
(Administrative Committee) (Second Reading)

Councilwoman McKenzie made the motion for adoption. Councilman Osbon seconded.
Passed by unanimous vote with Consent #3 deleted and Consent #14 moved to New Business.

(I) NEW BUSINESS

1. Proposed Resolution to Appoint an Acting Council Clerk.
(County Council)

Councilwoman McKenzie made the motion for adoption with Chris Ceasar appointed to this position. Councilman Singer seconded.
Passed by unanimous vote.

2. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with G & K Services for EMS Uniforms.
(Judicial and Public Safety Committee)

Councilman Osbon made the motion for adoption. Councilman Butler seconded.
Passed by unanimous vote.
Councilwoman McKenzie made the motion to Table. Councilman Butler seconded.
Passed by unanimous vote.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2004 Aiken County Contingency Report as of November 19, 2003.

(K) INFORMAL MEETING OF WHOLE

- a. Tony Seeley stated that the Northside of Aiken needed connector roads. The City of Aiken is willing to look at this issue. Would the County work with the City? The County Administrator was asked to get Planning & Development to work with City of Aiken.

Councilman Smith made a motion to adjourn to Executive Session at 7:50 pm. Councilwoman Rawls seconded.
Passed by unanimous vote.

(L) EXECUTIVE SESSION

1. Legal Matters:
 - a. Status Report on Pending Litigation, Legal Claims and Legal Advice.
(County Attorney) (Verbal)
2. Contractual Matters:
3. Personnel Matters:

Council reconvened at 9:05 pm.

VOICE MOTION:

1. Proposed Resolution Authorizing (1) the Execution and Delivery of an Inducement and Millage Rate Agreement Between Aiken County, South Carolina (the “County”) and Kimberly-Clark Corporation (the “Company”), Whereby, Under Certain Conditions, the County will Either Acquire Title to Certain Industrial Property for Lease to the Company or Will Enter into a Fee in Lieu of Tax Agreement with Respect to Such Property; (2) the County to Covenant in Such Lease or Fee Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes with Respect to Such Property; (3) the Benefits of a Multi-County Park to be Made Available to the Company, and (4) Other Matters Relating Thereto.

Councilwoman Rawls made motion for adoption. Councilman Hightower seconded.
Passed by unanimous vote.

2. To approve the execution of a contract with Gilbert Construction for architect and engineering services concerning the hydrogen lab proposal to the Department of Energy.

Councilman Singer made motion for adoption. Councilman Hightower seconded.
Councilman Smith stated his objections to the contract.
Passed by 8 – 1 vote with Councilman Smith opposed.

3. To amend the contract for legal services to reflect the name change to Robert M. Bell, LLC.

Councilman Butler made motion for adoption. Councilman Hightower seconded.
Passed by unanimous vote.

4. To amend the resolution authorizing Christmas bonuses to County employees to reflect that regular employees working more than 20 hours per week will receive bonuses authorized for full-time positions.

Councilman Butler made motion for adoption. Councilwoman McKenzie seconded.
Passed by unanimous vote.

(M) ADJOURNMENT

Councilman Osborn made a motion to adjourn at 9:10 pm. Councilman Barton seconded
Passed by unanimous vote.

Attest:

Signed:

Chris Ceasar, Acting Council Clerk

Ronnie Young, Chairman